

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL AREND,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No.: 1:18-cv-3096
BROCK INDUSTRIAL SERVICES, LLC,)	
a Delaware Limited Liability Company, and)	
THE BROCK GROUP, INC., a Delaware)	
Corporation)	
)	
Defendant.)	

COMPLAINT

NOW COMES Plaintiff, MICHAEL AREND, by and through his attorneys, Jonathan C. Goldman, Arthur R. Ehrlich, and Sam Sedaei of the Law Offices of GOLDMAN & EHRLICH, CHTD., and as his Complaint against the Defendants, BROCK INDUSTRIAL SERVICES, LLC and THE BROCK GROUP, INC., states as follows:

1. This is an action for violations of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*
2. Jurisdiction is present under 28 U.S.C. § 1331 and 42 U.S.C. § 12101 *et seq.*
3. Venue is proper because the actions alleged herein occurred in Northern Illinois.
4. Plaintiff demands trial by jury.
5. Plaintiff filed a timely charge of discrimination with the United States Equal Employment Opportunity Commission on October 18, 2016.
6. The EEOC issued Plaintiff a Right to Sue letter dated February 13, 2018. This Complaint is being filed within 90 days of receipt of the Right To Sue Letter.
7. Plaintiff, MICHAEL AREND, is a resident of Sheridan, Illinois and was employed by the Defendant as a Scaffold Builder.
8. Defendant, BROCK INDUSTRIAL SERVICES, LLC, is a limited liability company organized under the laws of the State of Delaware. The Defendant, THE BROCK

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GROUP, INC., is a Delaware Corporation and is the owner of BROCK INDUSTRIAL SERVICES, LLC. THE BROCK GROUP and BROCK INDUSTRIAL SERVICES, LLC were the Plaintiff's joint employers.

9. The Plaintiff began working for the Defendants at a location in Iowa on or about February 9, 2015. He began working for the Defendants at a location in Illinois on or about May 23, 2016.

10. The Plaintiff is a qualified individual with a disability who can perform the essential functions of his job with an accommodation.

11. In or around 2005, the Plaintiff was involved in a car accident that required numerous surgeries to repair and implant lumbar discs in his back. The Plaintiff has subsequently suffered from ensuing back pain. In or around 2006 or 2007, Plaintiff's physician prescribed him opioid medication in order to manage the pain associated with his physical disability.

12. On or around about May 23, 2016, Plaintiff participated in Respondent's drug and alcohol screening as part of the application process for transferring to the Illinois location. On May 27, 2016, the Medical Review Officer notified the Defendants that Plaintiff identified and provided documentation of currently prescribed medication, but nonetheless recommended that Defendants assess Plaintiff's fitness for duty.

13. Plaintiff requested that the Defendants accommodate him by allowing Plaintiff to continue his medical regimen for his disability. Pursuant to that request, Plaintiff provided Defendants with a note from his doctor indicating he was able to perform the duties of the position safely while on his medication. Defendants ignored Plaintiff's request and suspended Plaintiff from work on June 23, 2016 pending a fitness for duty examination and release to work from Defendants' physician.

14. On or around July 19, 2016, Respondent's Physician claimed, without adequately examining him, that Plaintiff was not able to meet the current job requirements for a Scaffold

Builder thereby ignoring the medical documentation from Plaintiff's treating physician who is familiar with Plaintiff's medical history.

15. On July 26, 2016, Plaintiff's physician notified the Defendants that Plaintiff's medication regimen did not interfere with his capabilities to perform the essential functions of his job.

16. The Defendants refused to return the Plaintiff back to work or consider Plaintiff's medical authorizations. Plaintiff's physician again released Plaintiff to work full duty without restrictions on or around August 25, 2016 on the basis that Plaintiff has been on a stable dose of opioids for several years without any safety issues. After numerous inquiries into the status of the Defendants' decision, the Defendants terminated Plaintiff on September 9, 2016 indicating that it was not able to accommodate the Plaintiff's medical status.

COUNT I – AMERICANS WITH DISABILITIES ACT

17. Defendants' conduct constitutes a violation of the Americans With Disabilities Act, 42 U.S.C. § 12117, *et seq.*

18. As a result, the Plaintiff has been deprived of wages and employment benefits.

19. The Plaintiff has among other things, suffered emotional distress and has incurred medical expenses, entitling him to pecuniary and non-pecuniary compensatory damages.

20. At all times, the Defendant's actions were willful and wanton, entitling Plaintiff to an award of punitive damages.

21. The Plaintiff is also entitled to his attorneys fees and costs of suit.

WHEREFORE, Plaintiff requests that this Court enter a judgment in favor of Plaintiff and against Defendants and that Plaintiff be awarded the following relief:

- A. Backpay;
- B. Compensatory damages;
- C. Punitive Damages;

- D. Attorney's fees and costs; and
- E. Such other relief as this court deems appropriate.

Dated: May 1, 2018

/s/ Jonathan C. Goldman

Jonathan C. Goldman of The Law Offices of
Goldman & Ehrlich, Chtd., as attorney for Plaintiff
MICHAEL AREND

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